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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,766	09/26/2003	Max W. Durney	A-69466-3/RBC/VEJ	9673

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EXAMINER

CRANE, DANIEL C

ART UNIT PAPER NUMBER

3725

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b> 10/672,766	<b>Applicant(s)</b> DURNEY ET AL.	
	<b>Examiner</b> Daniel C Crane	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 121-161 and 169-172 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 121-125, 130-137, 143-152, 154-161 and 169-172 is/are rejected.
- 7) ☒ Claim(s) 126-129, 138-142 and 153 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/20/04 &amp; 6/28/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS 2/5/04</u> .                      |

## **CLEAR LINE OF DISTINCTION**

This application is a division of a previous patent application. Because of the similarity of the claimed subject matter, it is applicant and applicant's attorney's responsibility to maintain a clear line of distinction between the claims of this application and applicant's parent application.

## **BASIS FOR REJECTIONS**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

## **REJECTION OF CLAIMS OVER PRIOR ART**

Claims 121-125, 130-137, 143-147, 150, 151, 154-161 and 169-172 are rejected under 35 U.S.C. 102(e) as being anticipated by Gitlin (6,640,605). See Figures 9 and 10 and column 7, lines 1-32, where the "edge" 34 of sheet 10R engages with the "face" of sheet 10L on opposite sides of the slit 14 when the sheet is bent along the bend line A (Figure 8). The strap 40 (Figures

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9 and 10) is depicted as angled relative to the linear bend line so that it is neither parallel nor perpendicular to the linear bend line. Accordingly, each strap that extends between the longitudinally adjacent slits extends in an oblique angle relative to the longitudinal axis. Arcuate slits are shown in Figures 10a-10f. See Figure 8 where the ends of each slit 14 are formed with rounded cuts that have convex sides. The rounded cut at the ends in each slit is formed with end portions “diverging away from the bend line”. See Figure 10a and 10e where the arcuate slit is arranged so that it curves “away” from the bend line by virtue of the fact that the arc does not coincide with the bend line. Increasing width dimension will occur in the Figure 8 embodiment since the ends of the slits are provided with rounded cutouts. Similarly, the Figure 10a and 10b embodiment will have increasing width straps due to the arcuate shape of the slits. What constitutes a reduction in residual stress during bending is open to broad interpretation when no reference point has been set out. The width of the kerf is shown to be smaller than the thickness of the sheet material in Figure 10. Figure 10f is shown to have a kerf of greater than the thickness of the sheet. As to claim 169, see Figures 10e and 10f.

Claims 148, 149 and 152 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitlin (6,640,605). Selecting the width dimension for the bending straps would merely facilitate the ease of bend within the material. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Gitlin’s process by further selecting a desired bending strap width for the purpose of facilitating ease of bend in the material. This feature along with the material characteristic would be considered by the skilled artisan desiring a specific bend quality and bend structure. With reference to claim 152, the elasticity of the

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material will facilitate the bend in the material. Accordingly, the selection of the material, whether it is elastic or plastic, with respect to its bend capabilities, does not affect the overall process per se. It is the examiner's position that the skilled artisan having the benefit of Gitlin would have recognized the bend features on both materials.

#### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claims 126-129, 138-142 and 153 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

#### **RESPONSE BY APPLICANT(S)**

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).


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## INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (703) 872-9306. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4416**.

DCCrane  
March 22, 2005



**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725